

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

JAMES RUDY LEACH

PETITIONER

v.

No. 1:21CV146-SA-DAS

UNITED STATES OF AMERICA

RESPONDENT

ORDER OF DISMISSAL

The court takes up, *sua sponte*, the dismissal of this cause. On October 6, 2021, the court entered an order requiring the petitioner to pay the \$5.00 filing fee in this case within 21 days. The court cautioned the petitioner that failure to comply with the order would result in the dismissal of this case without prejudice. Despite this warning, the petitioner has failed to comply with the court's order¹, and the deadline for compliance passed on October 27, 2021. This case is therefore DISMISSED without prejudice for failure to prosecute and for failure to comply with an order of the court under FED. R. CIV. P. 41(b).

SO ORDERED, this, the 9th day of November, 2021.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE

¹ Mr. Leach responded to the court's order with contradictory documents: one stating that the filing fee was enclosed, the other that the fee was forthcoming. Either way, the fee was not enclosed, and it has not arrived. Should the court receive the filing fee in a reasonable time, the case will be reinstated and will proceed as normal.